

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FELISHATAY ALVARADO,	:	
Plaintiff,	:	
	:	
v.	:	Civil Action
	:	No. 22-3763
	:	
CITY OF PHILADELPHIA, et al.,	:	
Defendants.	:	
	:	

DEFENDANTS' PROPOSED VERDICT SHEET

The parties have conferred and could not agree upon a Verdict Sheet. The Defendants respectfully request the jury be charged to answer the following questions on individual liability, municipal liability, and damages.

Respectfully submitted:

Date: September 12, 2024

/s/ Emily Hoff

Emily Hoff
Assistant City Solicitor
Attorney Identification No. 330859

/s/ Jonah Santiago-Pagán

Jonah Santiago-Pagán
Deputy City Solicitor
Attorney Identification No. 326442
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102-1595

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CITY OF PHILADELPHIA, et al.,	:	
Defendants.	:	
	:	

VERDICT SHEET – LIABILITY

Constitutional Claims Against Defendants Joshua Burkitt, Eric Clark, Kevin Mellody, Brian Murray, Patrick Saba, Demetrious Monk, Edward Song, and Jose Hamoy

A. *Entry*

1. Do you find that Felishatay Alvarado has proven by a preponderance of the evidence that the entry of the following individual SWAT Unit Officers was unreasonable in light of the circumstances?

Joshua Burkitt	YES	_____	NO	_____
Eric Clark	YES	_____	NO	_____
Kevin Mellody	YES	_____	NO	_____
Brian Murray	YES	_____	NO	_____
Patrick Saba	YES	_____	NO	_____
Demetrious Monk	YES	_____	NO	_____
Edward Song	YES	_____	NO	_____
Jose Hamoy	YES	_____	NO	_____

Proceed to Question 2.

I. Constitutional Claims Against Defendants Joshua Burkitt, Eric Clark, Kevin Mellody, Brian Murray, Patrick Saba, Demtrius Monk, Edward Song, and Jose Hamoy

B. *Seizure of Plaintiff*

2. Do you find that Felishatay Alvarado has proven by a preponderance of the evidence that the following individual SWAT Unit Officers unreasonably seized her by pointing a gun at her for 30 minutes while she was dressed in a towel?

Joshua Burkitt	YES _____	NO _____
Eric Clark	YES _____	NO _____
Kevin Mellody	YES _____	NO _____
Brian Murray	YES _____	NO _____
Patrick Saba	YES _____	NO _____
Demetrius Monk	YES _____	NO _____
Edward Song	YES _____	NO _____
Jose Hamoy	YES _____	NO _____

If your answer to the above questions as to each individual SWAT Unit Officer is "No," then your deliberations are complete. Please have the foreperson sign the Verdict Form and contact the Court Deputy.

If your answer to the above questions as to any individual SWAT Unit Officer is "Yes," then proceed to Section II.

II. Constitutional Claims Against City of Philadelphia

C. Failure to Train

1. Do you find Felishatay Alvarado proved, by a preponderance of the evidence, that at the time of the entry into her apartment, the City of Philadelphia failed to adequately train its SWAT Unit Officers and those failures amounted to deliberate indifference to the fact that inaction would obviously result in the violation of Fourth Amendment rights?

YES _____ NO _____

If your answer to the above question is “Yes,” proceed to the next question. If your answer to the above question is “No,” please have the foreperson sign the Verdict Form and contact the Court Deputy.

2. Has Felishatay Alvarado identified the specific training that if provided by the City of Philadelphia to its SWAT Unit Officers would have prevented the violation of Fourth Amendment rights?

YES _____ NO _____

If your answer to the above question is “Yes,” proceed to the next question. If your answer to the above question is “No,” please have the foreperson sign the Verdict Form and contact the Court Deputy.

3. Has Felishatay Alvarado proved, by a preponderance of the evidence that the City of Philadelphia’s failure to provide the specific training in Question 2 were the cause of and moving force behind the violation of her Fourth Amendment rights?

YES _____ NO _____

If your answer to the above question is “Yes,” proceed to the next question. If your answer to the above question is “No,” please have the foreperson sign the Verdict Form and contact the Court Deputy.

II. Constitutional Claims Against City of Philadelphia

4. Has Felishatay Alvarado proved, by a preponderance of the evidence that the City of Philadelphia's failure to provide the specific training in Question 2 were the factual cause of any harm to Plaintiff?

YES _____ NO _____

Please have the foreperson sign the Verdict Form and contact the Court Deputy.

This is our true verdict, **SO SAY WE ALL**, this _____ day of September, 2024.

Foreperson

PLEASE NOTIFY THE COURT DEPUTY THAT YOU HAVE COMPLETED YOUR DELIBERATIONS.

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VERDICT SHEET – DAMAGES

A. *Compensatory Damages*

1. Do you find by a preponderance of the evidence that Felishatay Alvarado is entitled to compensatory damages?

YES _____ NO _____

If your answer to the above question is “No,” proceed to Section B. If your answer to the above question is “Yes,” proceed to the next question.

2. Please state the amount of compensatory damages Felishatay Alvarado has proven by a preponderance of the evidence?

\$ _____

3. How would you apportion the total amount of compensatory damages in Question 2 among the Defendant(s) you found liable?

Joshua Burkitt	\$ _____
Eric Clark	\$ _____
Kevin Mellody	\$ _____
Brian Murray	\$ _____
Patrick Saba	\$ _____
Demetrius Monk	\$ _____
Edward Song	\$ _____

Jose Hamoy	\$ _____
City of Philadelphia	\$ _____

Proceed to Section B.

B. *Punitive Damages*

1. Do you find that the following individual SWAT Unit Officers acted maliciously or wantonly against Felishatay Alvarado under the facts found by you?

Joshua Burkitt	YES _____	NO _____
Eric Clark	YES _____	NO _____
Kevin Mellody	YES _____	NO _____
Brian Murray	YES _____	NO _____
Patrick Saba	YES _____	NO _____
Demetrius Monk	YES _____	NO _____
Edward Song	YES _____	NO _____
Jose Hamoy	YES _____	NO _____

If your answer to the above question as to each individual SWAT Unit Officer is "No," your deliberations are over. Please have the foreperson sign the Verdict Sheet and contact the Court Deputy.

If your answer to the above question as to any individual SWAT Unit Officer is "Yes," proceed to the next question.

2. Even if you have answered "Yes," above, you are not required to award punitive damages. If you choose to award punitive damages, please state the amount of punitive damages against each of the following individual SWAT Unit Officers *for which you answered "Yes," in Question 1 above.*

Joshua Burkitt	\$ _____
Eric Clark	\$ _____
Kevin Mellody	\$ _____
Brian Murray	\$ _____

Patrick Saba \$ _____

Demetrius Monk \$ _____

Edward Song \$ _____

Jose Hamoy \$ _____

Please have the foreperson sign the Verdict Sheet and contact the Court Deputy.

This is our true verdict, **SO SAY WE ALL**, this _____ day of September, 2024.

Foreperson

PLEASE NOTIFY THE COURT DEPUTY THAT YOU HAVE COMPLETED YOUR
DELIBERATIONS.

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Defendants.	:	

CERTIFICATE OF SERVICE

I hereby certify that on the date below, Defendants' Proposed Verdict Sheet was filed via the Court's electronic filing system and is available for downloading.

Respectfully submitted:

Date: September 12, 2024

/s/ *Emily M. Hoff*

Emily Hoff
Assistant City Solicitor
Attorney Identification No. 330859
City of Philadelphia Law Department
1515 Arch Street, 14th Floor
Philadelphia, PA 19102-1595